

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BENOIT BUNDU,

Plaintiff,

V.

FRANCOISE BUNDU,

**Defendant.**

Case No. 05-10840-RWZ

Formerly Middlesex Probate and  
Family Court Case No. 00D-1927-D

**STIPULATION TO REMAND**

WHEREAS, plaintiff Benoit Bundu has served a subpoena on third party United States Department of Homeland Security, Citizenship and Immigration Services (“CIS”), and has obtained an order from the Middlesex Probate and Family Court purporting to enforce the subpoena; and

WHEREAS, on this date, April 26, 2005, CIS filed in this Court a notice of removal of this action from the Middlesex Probate and Family Court to this Court, but CIS has not yet forwarded a copy of its notice of removal to the Middlesex Probate and Family Court;

**Benoit Bundu and CIS hereby STIPULATE AND AGREE as follows:**

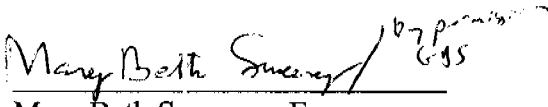
1. Benoit Bundu withdraws without prejudice the subpoena he served on CIS;

2. Because the withdrawal of the subpoena eliminates the jurisdictional basis for the removal of this action to federal court, the removal is moot and the matter shall be remanded immediately to the Middlesex Probate and Family Court.

**SO STIPULATED**

BENOIT BUNDU

By his attorneys,


  
\_\_\_\_\_  
Mary Beth Sweeney, Esq.  
Atwood & Cherny, P.C.  
101 Huntington Avenue, 25<sup>th</sup> Floor  
Boston, MA 02199

Dated: April 26, 2005

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, CITIZENSHIP AND  
IMMIGRATION SERVICES

By its attorneys,

MICHAEL J. SULLIVAN  
United States Attorney

  
\_\_\_\_\_  
Gregg Shapiro  
Assistant United States Attorney  
Office of the United States Attorney  
One Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3366

**SO ORDERED**

\_\_\_\_\_  
Rya W. Zobel  
United States District Judge

Dated: \_\_\_\_\_

**Certificate of Service**

I hereby certify that, on April 26, 2005, I caused copies of the foregoing Stipulation of Remand to be served by first-class mail, postage pre-paid, on the following:


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Counsel for Benoit Bundu

Counsel for Francoise Bundu

  
\_\_\_\_\_  
Gregg Shapiro